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Paper No. 21

JUL 20 1981

Sprung, Felfe, Horn,
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600 Third Ave.
New York, N.Y. 10016

Applicant	Bodo Junge, et al	BOARD OF PATENT INTERFERENCES
Ser. No.	936,280	
Filed	08/23/78	
For NEW 3,4,5-TRIHYDROXYPIPERIDINE COMPOUNDS, THEIR PRODUCTION AND THEIR MEDICINAL USE		

Accorded benefit of: Germany, Fed. Rep. application No.
27387173 filed 08/27/77

The case referred to above has been forwarded to the Board of Patent Interferences because it is adjudged to interfere with other cases hereafter specified. Attention is directed to the fact that this interference is declared under the Rules of Practice as amended effective July 1, 1965, and as further amended effective to the date of this notice. The interference is identified as No. 100,703

By direction of the Commissioner of Patents and Trademarks and as required by 35 U.S.C. 135(c), notice is hereby given the parties of the requirement of the law for filing in the Patent and Trademark Office a copy of any agreement "in connection with or in contemplation of the termination of the interference."

In view of the accompanying order to show cause entered in this interference under Rule 228 no schedule of times is set. Rule 207(e).

The schedule of times under Rule 207(b) is set as follows:

(1) The preliminary statement (Rules 215 et seq.) must be filed and opposing parties notified of its filing by **SEP 20 1981**

(It should be filed in a sealed envelope bearing the name of the party filing it and the number of the interference.)

(2) A copy of the preliminary statement and attachments must be served on each opposing party from whom a notice of filing a preliminary statement has been received by **OCT 5 1981**

(3) Motions under Rule 231 must be filed by **NOV 20 1981**

If you expect to obtain the benefit of any application filed in this or any other country, including any intermediate applications, you must file a motion under Rule 231(a)(4) unless such application is specified in this notice. Rule 224.

The interference involves your application identified above and:

Pertinent information regarding the parties involved in this interference is as follows:

Junior Party

Patentees: Hiromu Murai, Hiroshi Enomoto, Yoshiaki Aoyagi, Masahiro Yagi, Ichiro Shirahase and Yoshiaki Yoshikuni

Addresses: Nippon Shinyaku Co., Ltd., 14 Kisshoin Nishinoshio Monguchicho, Minami-ku, Kyoto, Japan, (Respectively)

Serial No.: 906,233 filed 05/10/78 Now Patent No. 4,182,767 issued 01/08/80

Assignee: Nippon Shinyaku Co., Ltd., Kyoto, Japan

Attorneys of Record: It is noted that Hiromu Murai, et al have no attorney of record.

For: ANTIHYPERGLYCEMIC N-ALKYL-3,4,5-TRIHYDROXY-2-PIPERIDINE METHANOL

Address: Hiromu Murai
Jacobs and Jacobs
521 Fifth Ave.
New York, N.Y. 10017

Senior Party

Applicants: Bodo Junge, Hans Peter Krause, Lutz Muller, Walter Puls

Addresses: Bayer AG Wuppertal-1, Germany 5600 (respectively)

Serial No.: 936,280 filed 08/23/78

Accorded benefit of: Germany, Fed. Rep. application No. 27387173 filed 8/27/77

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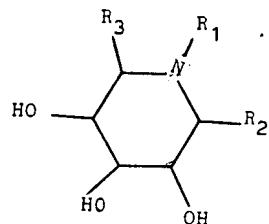
Assignee: Bayer Aktiengesellschaft, Leverkusen, Germany, a corp. of Germany

Attorneys of Record: Arnold Sprung
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Count 1

The method of effecting an antihyperglycemic effect in humans and other animals which comprises administering thereto an antihyperglycemically effective amount of a compound of the formula



in which

R₁ is alkyl of 1 to 18 carbon atoms,

R₂ is hydrogen and

R₃ is hydroxymethyl, and

the pharmaceutically acceptable nontoxic acid addition salts thereof.

Count 2

A pharmaceutical composition comprising an antihyperglycemically effective amount of a compound according to count 1 in combination with a pharmaceutically acceptable carrier.

The relation of the counts of the interference of the claims of the respective parties is as follows:

<u>Counts</u>	<u>Murai et al</u>	<u>Junge et al</u>
1	6(p)	54(p)
2	7(p)	55(p)

After termination of this interference, this application will be held subject to further examination under Rule 1.266. Claims 24-44 will be held subject to rejection as unpatentable over the issue in the event of an award of priority adverse to applicant.

counts compared/dal

Robert J. Webster
Robert J. Webster
Patent Interference Examiner